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S E C R E T SECTION 01 OF 03 ASTANA 000373

SIPDIS

STATE FOR SCA/CEN, CA/OCS
FRANKFURT FOR REGIONAL CONSULAR OFFICER

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TAGS: [PGOV](#) [PREL](#) [CASC](#) [KZ](#)

SUBJECT: KAZAKHSTAN: PEACE CORPS VOLUNTEER SENTENCED TO
PRISON, BUT FM TAZHIN PROMISES SATISFACTORY RESOLUTION

REF: A. ASTANA 0175

[B](#). ASTANA 0135

[C](#). ASTANA 0055

[D](#). 08 ASTANA 2576

[E](#). 08 ASTANA 2410 (NOTAL)

Classified By: Ambassador Richard E. Hoagland, 1.4 (b), (d)

[1](#). (S) SUMMARY: Following the conclusion of his criminal trial in Ridder on February 26, Peace Corps Volunteer Anthony Sharp was sentenced to two years in prison on explosives charges -- and taken away in handcuffs straight to jail. The Ambassador immediately raised this development with senior Kazakhstan officials, including Foreign Minister Tazhin, explaining that Sharp's imprisonment violated the Kazakhstan government's commitment to us that Sharp would be given a suspended sentence and deported. On February 27, Tazhin promised the Ambassador that through the judicial appeals process, Kazakhstan would follow through on its original commitment within 30 days, so long as we are able to keep the case out of the media. Based on a written request from the Ambassador, a Ridder judge ordered Sharp released from jail on February 27, but denied our request that he be allowed to leave Ridder and travel to Astana. Tazhin made clear to the Ambassador on March 2 that he had had to push back very hard against the Committee for National Security (KNB). He also said the Ambassador should immediately request a meeting with President Nazarbayev to apologize for the incident and express our gratitude that Kazakhstan is resolving it. The Ambassador has been in touch Sharp and with both of his parents. They agreed to keep the case out of the press. Sharp's lawyers are planning to file a formal appeal no later than March 13. END SUMMARY.

SHARP SENTENCED TO PRISON TERM, TAKEN TO JAIL

[2](#). (C) The trial of Peace Corp Volunteer Anthony Sharp resumed in Ridder February 26. A Consular Officer and the Peace Corps Country Director were both present. The proceedings were completed that day, and the judge handed down his verdict, sentencing Sharp to two years in prison on explosives charges. He was taken away in handcuffs for prison in-processing.

AMBASSADOR RAISES CASE WITH SENIOR OFFICIALS

13. (C) The Consular Officer immediately notified the DCM, who in turn informed the Ambassador about the verdict. At that time, the Ambassador was meeting in his office with Presidential Advisor Yermukhamet Yertysbayev. The Ambassador explained the situation to Yertysbayev, who offered to bring it to the attention of other officials in the Presidential Administration. Following the meeting, we drafted a non-paper, translated it into Russian, and sent it to Yertysbayev. The non-paper explained that (1) we consider the case against Sharp to be a political provocation; (2) the verdict violated our understanding with the Kazakhstani government that Sharp would be given a suspended sentence and deported; (3) we would try to keep the verdict out of the U.S. media, but once it hit the press, the news would cause serious damage to the bilateral relationship; and (4) we expected the Kazakhstani government to take immediate steps to rectify the situation and deport Sharp. Just before we e-mailed Yertysbayev the non-paper, he called us to tell us that he had spoken with Presidential Foreign Policy Advisor Kairat Sarybay, who assured him that Sharp was not being sent to prison, but rather was being deported. This turned out to be incorrect, since Sharp was, in fact, taken to prison.

14. (C) The DCM phoned Talgat Kaliyev, who until recently was head of the MFA Americas Department, and who had been tasked by Sarybay to handle the Sharp case. Kaliyev had reassured us repeatedly over the past several weeks that everything was fine, and that Sharp would be given a suspended sentence and deported. Kaliyev was surprised to learn of the verdict. When we spoke with him several hours later, he claimed he had "everyone together" in his office, and was working on the

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issue; however, he was not able to immediately offer an explanation regarding what happened or how the situation would be fixed.

15. (C) At the same time, the Ambassador tried to call Sarybay, whose staff said he was unavailable to take the Ambassador's call. The Ambassador then called State Secretary Saudabayev's Chief of Staff, Roman Vassilenko (with whom we have been in touch about the case since the end of December), relayed the key points from the non-paper, and asked him to inform Saudabayev. Vassilenko promised to speak with Saudabayev as soon as Saudabayev was available. Vassilenko also urged the Ambassador to get in touch with Foreign Minister Tazhin immediately.

16. (C) The Ambassador subsequently managed to reach Tazhin, who was suffering from a bad cold, and relayed to him all the details. He asked Tazhin to call Sarybay immediately, which Tazhin agreed to do. Tazhin also promised to "gather the right people" the following morning and get back to the Ambassador.

TAZHIN PROMISES EVERYTHING WILL BE FIXED

17. (C) Tazhin kept to his word, and called in the Ambassador early afternoon February 27. He told the Ambassador that Sharp would be released from prison as early as that day. He promised the government would follow through on its original commitment -- that Sharp receive a suspended sentence and be deported -- within 30 days, so long as we keep the case out of the media. He explained that everything would be fixed through the judicial appeals process, and assured the Ambassador that the Supreme Court was already on board.

18. (S) During a one-on-one conversation, Tazhin explained to the Ambassador that the hardest thing he had had to do in his intergovernmental meeting earlier that day was to push back against with the Ministry of Internal Affairs and "other bodies" -- meaning the Committee for National Security (KNB) -- not on the explosives charges against Sharp, but rather regarding the fact that during a search of Sharp's apartment after his initial detention, the authorities had found a "top

secret map, proving that Sharp is an American spy." The Ambassador told Tazhin, simply for his own information, that the map was a Soviet map from the 1960s that Sharp had bought in the bazaar as a souvenir. In a follow-on conversation, Talgat Kaliyev told us the lesson he had learned was "you can't trust those guys (i.e., KNB) to keep their word." The Ambassador subsequently contacted Roman Vassilenko, who assured him that State Secretary Saudabayev had been involved with the case the previous evening and had briefed President Nazarbayev. (NOTE: We strongly suspect it was Nazarbayev himself who reined in the KNB enough to allow Sharp to be released from prison. END NOTE.)

SHARP RELEASED FROM JAIL, BUT CONFINED TO RIDDER

19. (C) Talgat Kaliyev then worked with us to get Sharp out of jail, which, according to Kaliyev, included his phoning Ridder City Court Chairman Bulat Zagiyev. Per Kaliyev's instructions, the Ambassador wrote a letter to Zagiyev requesting that Sharp be released into post's custody, and be allowed to travel to Astana for a medical evaluation. We faxed the letter to Ridder. Several hours later, a court hearing was held to review our request, with Sharp's lawyers and the prosecutors in attendance. The court ordered Sharp released from jail, but denied the request to allow him to travel in Astana, and instead insisted that he move back into his former apartment in Ridder. (NOTE: Because Sharp's landlord is not allowing him to return to the apartment, Sharp's lawyers have filed a motion with the court requesting that he be allowed to stay in the Ridder hotel where he has been residing for the past several weeks. On March 2, Sharp's lawyers appealed the denial of the request to allow him to travel to Astana. Talgat Kaliyev indicated to us that we should not press this latter issue too hard. END NOTE.)

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SHARP FAMILY AGREES CASE SHOULD STAY OUT OF MEDIA

110. (C) The Ambassador was in contact with Sharp and both of his parents during February 28 and March 1. He assured them that though he could not provide all the sensitive details, the government had promised to satisfactorily resolve Sharp's case within a month. Sharp and his parents agreed with the necessity of keeping the case out of the media.

TAZHIN RECOMMENDS NAZARBAYEV MEETING

111. (S) Foreign Minister Tazhin called in the Ambassador again on March 2, and reaffirmed that everything remained on track in resolving the Sharp case. He also emphasized several times how "difficult and irritating" his February 27 intra-governmental meeting had been, and recommended the Ambassador request a meeting with President Nazarbayev to discuss the issue. Tazhin explained, "I have my views based on broader foreign relations and the bilateral relationship, but 'others' have other views" -- thus making it clear that Nazarbayev would be the ultimate arbiter. He did not try very hard to hide whom he meant by "others," because he said he understands "them" since he headed "that committee" -- meaning that KNB -- for a time. He also implied the KNB is pushing back because of "the April incident last year." (NOTE: "The April incident" was an ugly provocation against an Embassy AmCit. END NOTE.) Tazhin recommended the Ambassador approach's with Nazarbayev should be that we are deeply sorry and sincerely apologize, and are grateful Kazakhstan is finding a way to solve this problem -- since the "situation gives a bad impression" and we understand that it is in President Nazarbayev's hands to decide.

LAWYERS PLOT APPEAL

112. (SBU) The February 26 verdict has not yet been formally handed down; that formal verdict is expected on March 4. (NOTE: This delay of several days is standard practice for Kazakhstan. END NOTE.) Sharp's lawyers are working the

appeal, which they will have to file by March 13. They expect an appellate hearing to take place in the Ust-Kamenogorsk oblast court approximately two weeks after the filing. Appellate hearings in Kazakhstan typically require just one court session.

¶13. (S) COMMENT: It appears to us that the KNB is pressing back hard, painting Sharp as "one more American spy" they've caught. On our side, it seems, are Tazhin, Saudabayev, and Sarybay. If Nazarbayev agrees to a meeting, the Ambassador will ask him to honor the agreement we have made that will get Sharp out of the country. The Ambassador is scheduled to meet with Presidential Administration head Aslan Musin to discuss the case on March 3. END COMMENT.
HOAGLAND